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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,535	01/27/1999	ROBERT LINLEY MUIR	2663/FBR	6165

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EXAMINER

BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/238,535

Applicant(s)

MUIR, ROBERT LINLEY

Examiner

Julie K Brockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims as amended state "whereby a player selects a currency or denomination from a set of currencies and denominations with which to play a game on the console and a corresponding currency type and/or

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denomination program is loaded on the console.” The specification as filed merely states that “...if a game is created that may be used with 50 different currencies a single main set of game graphics can be stored together with 49 different currency symbols.” This is the only passage in the specification referencing “currency”. It does not disclose that a player selects from multiple currencies nor that a denomination program is loaded in the console. Therefore the newly added matter to the claims is new matter.

Claims 16 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims state “whereby a player selects a currency or denomination from a set of currencies and denominations with which to play a game on the console and a corresponding currency type and/or denomination program is loaded on the console.” The specification does not state how the player selects the currency or denomination or how and when the program is loaded on the console. Therefore, it would require a person to perform undue experimentation to determine how a player would select the currencies and how to load the program.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roseman, U.S. Patent No. 6,012,984 in view of Goldberg et al., U.S. Patent No. 5,823,879. Roseman discloses a distributed gaming system. The system includes a server and a plurality of gaming consoles (See Roseman Fig. 1). A game platform interface comprises server platform code running on the server and console platform code running on each gaming console (See Roseman col. 4 lines 30-33, 42-56; col. 5 lines 12-24). A plurality of game programs are stored on the server (See Roseman col. 3 lines 20-25). The server platform code located in the server functions to transfer at least one of the functional program files of one game to a console. The console platform code operating on the console functions to execute the at least one of the functional program files transferred to the console to provide a game function on the console for play by a player (See Roseman col. 3 lines 41-63; col. 4 lines 43-56; col. 5 lines 12-24) [claims 9, 13]. The functional program files include a combinations program file and a graphics/audio program file (See Roseman col. 5 lines 29-32). Execution of the combinations program file to determine a game outcome is performed on the server as a

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function provided by execution of the server platform code (See Roseman col. 7 lines 63-65). When one graphics/audio program file is distributed to one of the consoles for execution as a function of execution of the respective console platform code to display the game outcome determined on the server to a player playing the game on the respective console (See Roseman col. 7 lines 14-46) [claims 10, 14].

While Roseman discloses breaking up the programs into various classes and subclasses, Roseman lacks in specifically stating that these classes and subclasses are separate functional modules. Goldberg teaches of a networked game system in which a game program comprises a plurality of separate functional program modules which when executing are arranged to interact with each other only via functions provided by execution of the platform interface (See Goldberg Fig. 1; col. 7 lines 48-67; col. 8 lines 28-37; col. 14 lines 30-65) [claims 9, 13]. Goldberg further teaches that a plurality of functional program modules/files are saved on the server and each of the functional program modules provides the same function for a different one of the games (See Goldberg col. 24 lines 48-54) [claims 15 & 17]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to divide the gaming programs of Roseman into separate functional modules. It is well known throughout the art that game programs are broken up into a plurality of modules that interact with each other for the purpose of executing an overall program. By dividing up programs into modules, the

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program becomes more manageable and able to be amended or corrected easily. Consequently, it would have been obvious to one of ordinary skill in the art to incorporate programming modules into the game of Roseman. By having the code be divided up into modules, the program is more manageable and easier to implement. It is further obvious to one of ordinary skill in the art that the server of Roseman can store a plurality of program files that provides the same function to a plurality of different games. By using the same files for multiple games, less programming is required and the overall gaming architecture is more efficient.

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roseman in view of Goldberg and further in view of Wilms, U.S. Patent No. 5,277,424. Goldberg further teaches of a wager accounting module and the display of a graphical representation of a currency symbol to be displayed with the selected game (See Goldberg Figs. 1 & 2). Roseman and Goldberg lack in disclosing having a player select a currency or denomination. Wilms teaches of a video gaming device having a currency and denomination function, which includes a graphical representation of a currency symbol to be displayed in association with the selected game. Players may select the currency or denomination from a set of currencies and denominations with which to play a game on the console (See Wilms Fig. 1; col. 4 lines 22-32). A corresponding currency type and/or denomination program is loaded on the console (See Wilms col. 5 lines 21-27) [claims 16 & 18]. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a player in the games of either Goldberg or Roseman to select the currency or denomination they wish to use in a gaming device and then load the corresponding currency/denomination program on the console. By allowing a player to select the currency or denomination they wish to use in game play, players can are not constrained to a single wager for a gaming machine. Therefore, players have the ability to wager more when on a winning streak and less when on a losing streak. Further by being able to change the denomination of the machine players can wager larger amounts with fewer coins thereby increasing the speed of the game.

Response to Amendment

It has been noted that claims 16 and 18 have been amended.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone

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number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Julie K Brockett
Examiner
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